

KAMALA D. HARRIS  
Attorney General of California  
PEGGY S. RUFFRA  
Supervising Deputy Attorney General  
MICHELE J. SWANSON  
Deputy Attorney General  
State Bar No. 191193  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5703  
Fax: (415) 703-1234  
E-mail: Michele.Swanson@doj.ca.gov  
*Attorneys for Respondent*

BRIAN C. MCCOMAS  
California SBN 273161  
The Law Office of B.C. McComas  
PMB 1605,  
77 Van Ness Ave., Ste. 101  
San Francisco, CA 94102  
Telephone: (208) 320-0383  
Fax: (415) 520-2310  
E-mail: mcomas.b.c@gmail.com  
*Attorney for Petitioner*  
JUAN FELIPE MELENDEZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**JUAN FELIPE MELENDEZ,**

Petitioner,

**v.**

**ERIC ARNOLD, Warden,**

Respondent.

15-cv-03753-EMC

**JOINT CASE MANAGEMENT  
STATEMENT**

ORDER RESETTING FURTHER  
CMC

**JOINT STATEMENT**

On August 17, 2015, petitioner filed a petition for writ of habeas corpus with this Court. Doc. 1. The next day, he filed a motion for a stay and abeyance while he exhausted state court remedies before the Santa Clara County Superior Court with respect to the unexhausted claims in the petition. Doc. 4. On March 10, 2016, the Court granted the motion to stay the case. Doc 34.

Previously, petitioner had filed a petition for writ of habeas corpus with the Santa Clara County Superior Court. *In re Melendez*, Case No. EE907212. On April 8, 2016, the Superior Court ordered an evidentiary hearing concerning petitioner's claim that his pretrial counsel was

ineffective during plea negotiations. *Id.* On April 25, 2016, the court scheduled the evidentiary hearing for July 29, August 5, and August 12, 2016. *Id.*

On May 24, 2016, petitioner moved for appointment of his current counsel in light of his indigence and right to effective assistance of counsel during his initial state collateral review proceeding. *In re Melendez*, Case No. EE907212. On June 2, 2016, the motion was granted and the undersigned counsel was appointed to represent petitioner through the evidentiary hearing before the Santa Clara County Superior Court. *Id.*

Given the status of the case, the parties have no objection to the Court vacating the case management conference, which is scheduled to take place on June 23, 2016 at 10:30 am. *See* Doc. 35. However, the parties remain willing to appear to address any concerns of the Court.

Dated: June 16, 2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
PEGGY S. RUFFRA  
Supervising Deputy Attorney General

/s/ Michele J. Swanson  
MICHELE J. SWANSON  
Deputy Attorney General  
*Attorneys for Respondent*

Dated: June 16, 2016

Respectfully submitted,

/s/ B.C. McComas  
BRIAN C. MCCOMAS  
*Attorney for Petitioner*  
JUAN FELIPE MELENDEZ

IT IS SO ORDERED that the Further  
CMC is reset from 6/23/16 to 10/20/16  
at 10:30 a.m. An updated joint CMC  
statement shall be filed by 10/13/16.

EDWARD M. CHEN  
U.S. DISTRICT JUDGE

